

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAY 26 2006

Case No. 5541
Date Filed 5/15/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5541 MAP 23 TYPE Variance ELECTION DISTRICT 04

LOCATION 4223 Harford Creamery Road, White Hall 21161

BY Thomas and Anne Huber

Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 6' (50' required) in the AG District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Thomas and Anne Huber Phone Number 410 557-0781
Address 4223 Harford Creamery Rd White Hall MD 21161
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 4223 Hartford Creamery Rd
White Hall, MD 21161

Subdivision _____

Lot Number _____

Acreage/Lot Size 60 Acres Election District 04

Zoning AG

Tax Map No. 23 Grid No. 3D Parcel 65 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Home - Primary Residence for family
Barn and Shed for agricultural use

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

To build a detached garage for home use.
We currently have no place to park cars, bikes, etc

The proposed location is within the "30 yard setback," but is
the best location as outlined below.

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Justification – Huber Garage

In 2000 we rebuilt our house on this property. We chose to keep the same homesite as the original structure as opposed to moving it to another spot on the property for several reasons. Keeping the same location along Harford Creamery Road did not interfere with any agricultural activities (land is in agricultural preservation as described below) and the site is well protected with tree growth and as such not as “visible” to neighbors or cars driving past. Due to financial reasons we did not consider a garage at the time though now we need one. Had we moved the home site six years ago there would be no issue with garage placement because we would be well away from the road. However, since we left it as is for reasons mentioned above we have few choices that make sense. We ask that you consider the following:

1) While we have 60 acre parcel, appropriate space for the garage is limited given the house location, the agricultural use of property and the topography of the land. Exhibit 1 provides an overhead map view of the property, its current structures and the proposed and secondary sites for the garage. Exhibit 2 includes photos of the location. Exhibit 3 includes the site plan.

2) Proposed location will not have an impact on farming operation (the land is in agricultural preservation via the Maryland Agricultural Land Preservation Foundation – see attached deed of easement in exhibit 4) and is the only reasonable spot which would not do so. Bill Amos reviewed the proposed location on the attached site map when permit request was made and had no issue with it.

3) Secondary site on right side of driveway is not desirable for several reasons:

- Building would encroach into hayfield.
- Topography of land is such that a ten foot slope would need to be accounted for. A large amount of block structure, dirt fill and stone would be necessary and would add substantial cost to the project. In addition, more paving would be required to make enough turning radius for vehicles to enter the garage. See exhibit 5 for builders analysis of secondary site.
- Placement would make proper use awkward given its proximity to house.
- Location not aesthetically pleasant. Structure would be directly in view from deck on house, obstructing any view of fields.

4) Proposed location on left side of driveway is best fit with property configuration and convenience and access to house.

5) Proposed location will be least visible from the road given large cover from juniper bushes and hemlock trees.

6) Neighbors have reviewed the proposed site and have no issue with its placement (see attached exhibit 6).

exhibit 1

ArcIMS HTML Viewer Map

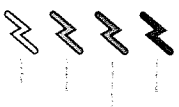


☒ Overview

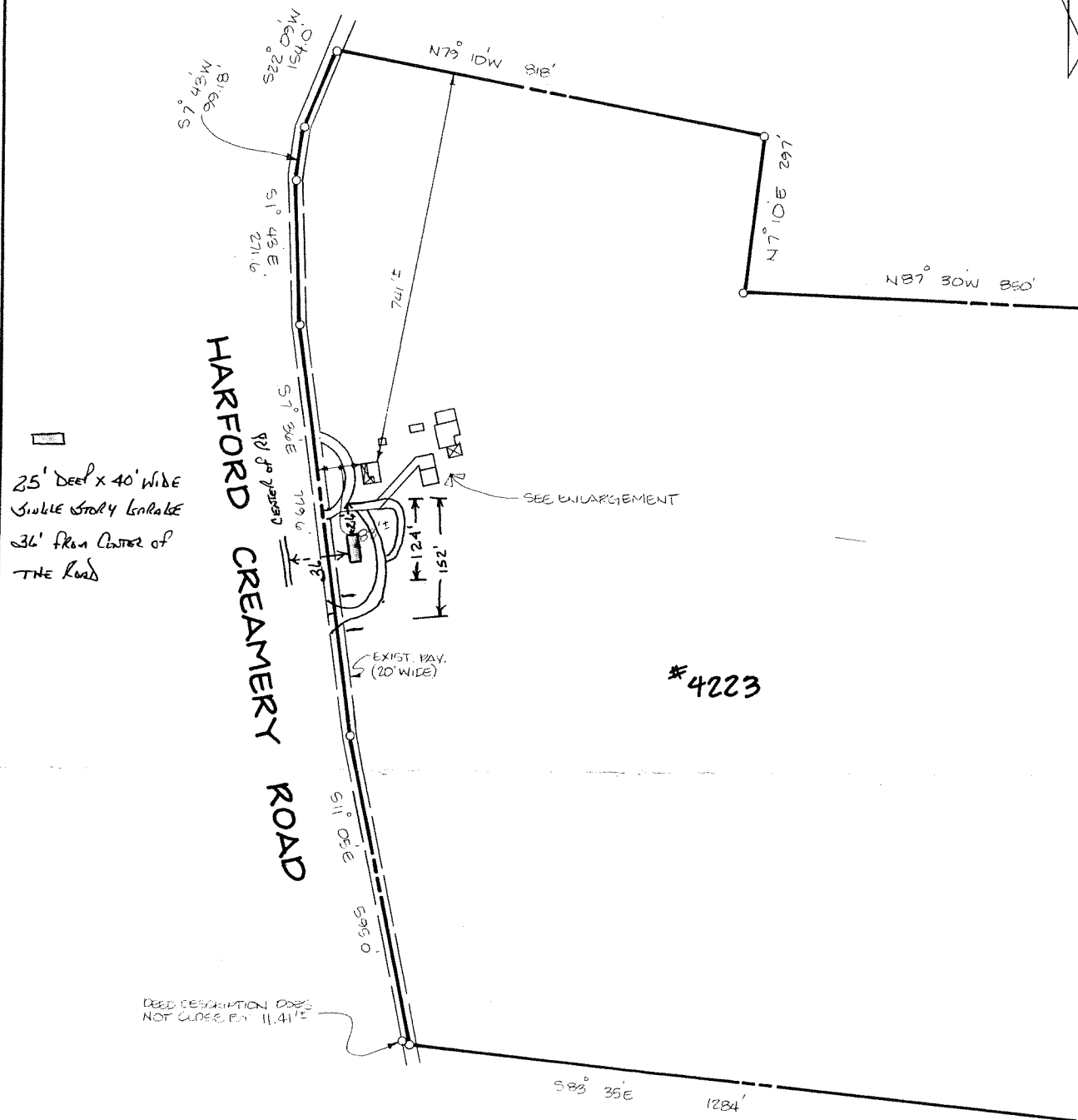
Legend

Selected Features

Roads



☐ Parcels
2004 Ortho



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 5, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5541

APPLICANT/OWNER: Thomas Huber
4223 Harford Creamery Road, White Hall, Maryland 21161

Co-APPLICANT: Anne Huber
4223 Harford Creamery Road, White Hall, Maryland 21161

REPRESENTATIVE: Applicants

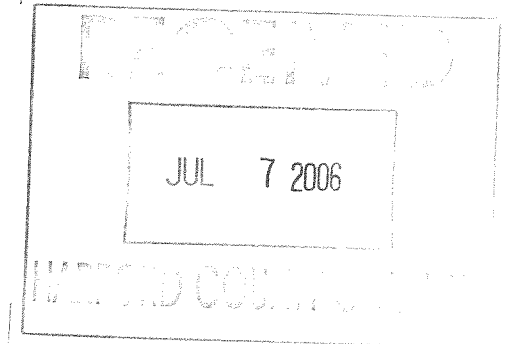
LOCATION: 4223 Harford Creamery Road
Tax Map: 23 / Grid: 3D / Parcel: 65
Election District: Four (4)

ACREAGE: 60 acres.

ZONING: AG/Agricultural

DATE FILED: May 15, 2006

HEARING DATE: July 19, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To build a detached garage for home use. We currently have no place to park cars, bikes, etc. The proposed location is within the '30 yard setback' but is best location as outlined below."

Justification:

See ATTACHMENT 1.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5541

Thomas & Anne Huber

Page 2 of 4

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 6 feet (50 feet required) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34(C), Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Norrisville Road (MD Route 23) on the east side of Harford Creamery Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The primary land use designation in this area is Agricultural. The Natural Features Map reflects Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, Maryland Environmental Trust Easements and Stream Systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are some small single family residential developments in the area. There are several commercial uses at the intersection of Route 146 and Route 23. The topography of the area ranges from rolling to steep especially along the stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 7 and 8).

The Applicant's property is approximately 60 acres in size and located on the east side of Harford Creamery Road. The property is in an Agricultural easement. Based on the aerial

STAFF REPORT

Board of Appeals Case Number 5541

Thomas & Anne Huber

Page 3 of 4

photograph it appears that more than half of the property is densely wooded and a large portion of the remaining area maintained as pasture. There is an area to the right side of the driveway that is not fenced and partially mowed. The topography is mainly rolling. Improvements consist of a frame 2 story farm house with front porch and open deck attached to the rear, a barn and several out buildings just to the rear of the dwelling. Other improvements consist of a blacktopped driveway with turning area in front of house. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area of the County is Agricultural. There is a small area of B3/General Business District to the south and several areas of RR/Rural Residential. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 6 feet (50 feet required) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

In order to justify a variance the property must be unique and the need must be urgent and not merely for the convenience of the applicant. The applicant must also show that the variance requested is the minimum relief necessary. The Department finds that the subject property is not unique. The topography and the shape are typical for this area of the county. There appears to be several areas where the garage could be placed without requiring substantial grading. There are several buildings located to the rear of the house which are already served by a driveway. This area was graded in the past to accommodate these structures.

RECOMMENDATION and or SUGGESTED CONDITIONS:

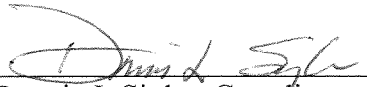
The Department of Planning and Zoning recommends that the requested variance be denied.

STAFF REPORT

Board of Appeals Case Number 5541

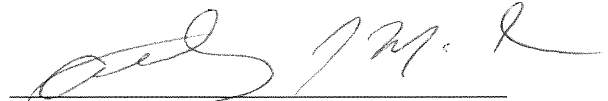
Thomas & Anne Huber

Page 4 of 4



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning